

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JUL 06 2010 ★
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

KENNETH J. ADAMS

Plaintiffs,

MEMORANDUM
AND ORDER
09-CV-5637 (SJ)

-against-

ROEHL TRANSPORT, INC., et al.,

Defendants.

X

JOHNSON, Senior District Judge:

Kenneth Adams ("Plaintiff") brought this action, pursuant to Sections 5012 and 5012(d) of the Insurance Law of the State of New York, against Roehl Transport, Inc, ("Defendant") alleging serious personal and economic injuries.

By letter to the Court dated March 1, 2010, Defendant's counsel reported that the parties had reached a settlement. However, they have failed to file a stipulation of discontinuance within the time scheduled by the Court. On May 24, 2010, Magistrate Judge Steven Gold issued a Report and Recommendation (the "Report"), recommending that all claims in this action be dismissed with prejudice unless a motion to re-open is filed within 30 days of any order adopting the Report.

A district court judge may designate a magistrate to hear and determine certain motions pending before the Court and to submit to the Court proposed findings of fact and a recommendation as to the disposition of the motion. See 28 U.S.C. §

636(b)(1). Within ten days of service of the recommendation, any party may file written objections to the magistrate's report. *Id.* Upon *de novo* review of those portions of the record to which objections were made, the district court judge may affirm or reject the recommendations. *Id.*

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. See Thomas v. Arn, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections may waive the right to appeal this Court's Order. See 28 U.S.C. § 636(b)(1); Small v. Sec'y of Health and Human Servs., 892 F.2d 15, 16 (2d Cir. 1989).

In this case, objections to Magistrate Judge Gold's recommendations were due within fourteen days of the May 24, 2010 decision, or at the latest by June 7, 2010. No objections were filed with this Court. Upon review of the recommendations, this Court adopts and affirms Magistrate Judge Gold's Report in its entirety.

SO ORDERED.

Dated: Brooklyn, New York
June 28, 2010

s/b Judge Johnson

~~Senior U.S.D.J.~~